

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

NAZIR KHAN and IFTIKHAR KHAN,  Plaintiffs,  v.  HEMOSPHERE INC., CRYOLIFE INC., MERIT MEDICAL SYSTEMS, INC. et al.,  Defendants.	Civil Action No. 1:18-cv-05368  Judge Virginia M. Kendall Magistrate Judge Maria Valdez  <b>MERIT’S MOTION FOR ENTRY OF JUDGMENT ON SANCTIONS ORDER</b>
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Pursuant to Rule 58(a) of the Federal Rules of Civil Procedure, Defendant Merit Medical Systems, Inc. (“Merit”) moves the Court for entry of judgment in the amount of \$95,966.60 in favor of Merit as subrogee of the Non-Resident Merit Physician Defendants who filed the Motion for Sanctions ([DKT No. 113](#)) and against Plaintiffs, in accordance with the Court’s Sanctions Order of July 15, 2019 ([DKT No. 175](#)). Rule 58(a) requires that all judgments must be entered as a separate document, except for circumstances not present here. Judgment should therefore be entered on the Sanctions Order. The original motion for sanctions was filed in the name of the Non-Resident Merit Physician Defendants (DKT No. 113), but Merit has established that it paid the fees for which sanctions are sought as part of its indemnification of the Non-Resident Merit Physician Defendants. Under the doctrine of equitable subrogation, the judgment memorializing the fee award should properly be in the name of Merit as subrogee and Merit should be allowed to enforce the judgment. Merit therefore respectfully requests that judgment in the amount of \$95,966.90 be granted in its favor and against Plaintiffs. Pursuant to the Court’s Standing Order regarding submission of proposed orders for entry by the Court, Merit

will concurrently email a proposed Final Judgment granting this motion to

[Proposed\\_Order\\_Kendall@ilnd.uscourts.gov](mailto:Proposed_Order_Kendall@ilnd.uscourts.gov) in Word format.

Dated: July 23, 2019.

Respectfully Submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 23, 2019, a copy of the foregoing document was filed electronically through the Court's Electronic Case Filing System, and service of this document is being made upon all counsel of record in this case by the Notice of Electronic Filing issued through the Court's ECF System on this date to:

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*/s/ Brent P. Lorimer*